Conference on Disarmament

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Note Verbale dated 1 February 2018 from the Permanent Mission of Ukraine to the Secretariat of the Conference on Disarmament, transmitting the Chair's Summary of the International Workshop "Promoting the effective implementation of Resolution 1540 (2004) in the context of evolving proliferation risks and challenges", which took place on 2-3 November 2017 in Kyiv (Ukraine)

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Conference on Disarmament and has the honour to transmit herewith the Chair's Summary of the International Workshop "Promoting effective implementation of the United Nations Security Council Resolution 1540 (2004) in the context of evolving proliferation risks and challenges", which took place on 2–3 November 2017 in Kyiv (Ukraine).

The Permanent Mission of Ukraine would highly appreciate if the Chair's Summary could be issued as an official document of the CD and circulated to all Member States and observer States of the Conference.

The Permanent Mission of Ukraine avails itself of its opportunity to renew to the Secretariat of the Conference on Disarmament the assurances of its highest consideration.

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Chair's Summary of the International Workshop "Promoting the effective implementation of Resolution 1540 (2004) in the context of evolving proliferation risks and challenges"

2-3 November 2017, Kyiv, Ukraine

1. International non-proliferation efforts are outlined by the United Nations Security Council Resolution 1540 (2004), adopted unanimously on 28 April 2004. It was the first formal decision ever taken by the Security Council which added a new dimension to the issue of non-proliferation by addressing the prevention of proliferation of nuclear, chemical and biological weapons and their means of delivery to and the misuse of related materials by non-state actors, including terrorists.

2. Given the increasing risks of proliferation arising from the rapid advances in science, technology and international commerce as well as from growing terrorist threat, and the need for States to pay constant attention to these developments to ensure effective implementation of Resolution 1540 (2004), Ukraine, in cooperation with UNODA and the OSCE, held the International Workshop "Promoting the effective implementation of Resolution 1540 (2004) in the context of evolving proliferation risks and challenges".

3. More than 45 participants from UN Member States and international organizations (Organization for Security and Cooperation in Europe (OSCE), United Nations Office for Disarmament Affairs (UNODA), 1540 Committee Group of Experts, Organization for the Prohibition of Chemical Weapons (OPCW), World Custom Organization (WCO) and EU) met in Kyiv on 2nd and 3rd November 2017 to discuss progress in, and challenges to, the implementation of the United Nations Security Council Resolution 1540 (2004) aimed at preventing proliferation of nuclear, chemical and biological weapons and their means of delivery to non-State actors.

4. The main purpose of the Workshop was to address implementation issues, including evolving proliferation risks and challenges to enhance practical, operational and enforcement cooperation among the Member States, international and regional organizations.

5. Accordingly, the Workshop was focused on i) importance of coordination of efforts in promoting implementation of Resolution 1540 (2004) taking into account Resolution 2325 (2016), ii) current risks in the context of developments in science, technology and international commerce, iii) strengthening chemical, biological and nuclear security - effective practices, iv) role of the 1540 Committee, the UN and the OSCE in the implementation of Resolution 1540 (2004): lessons learned, current state of affairs and future perspectives, v) way ahead: enhanced interaction and coordination of efforts.

Ukraine would like to share the main discussion points, which were compiled together with representatives of the UN Member States and international organizations, as follows:

(a) Resolution 1540 (2004) reaffirmed that proliferation of nuclear, chemical and biological weapons as well as their means of delivery constitutes a threat to international peace and security and requires all States to refrain from providing any form of support to non-State actors to develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical or biological weapons, and their means of delivery;

(b) It was acknowledged that Resolution 1540 (2004) is an international legally binding instrument, which helps to prevent terrorists and criminal organizations from obtaining the world's most dangerous weapons;

(c) Resolution 1540 (2004) has been playing a crucial role in global and regional non-proliferation efforts for 13 years;

(d) The responsibility for the implementation of Resolution 1540 (2004) is carried by Member States.

(e) The importance of UNSC Resolution 2325 (2016) was noted;

(f) The 1540 Committee's report on the Comprehensive Review, concluded in December 2016, found that, while many States have taken important steps to strengthen prohibitions and controls on WMD and their means of delivery in fulfilment of their 1540 obligations, gaps remain in key areas, especially in biological security;

(g) It is important that all States enact and enforce "appropriate" and "effective" laws to prevent the spread of WMD to non-State actors while universal, full implementation of Resolution 1540 (2004) remains the ultimate goal;

(h) Developments in the nature of terrorism, as well as the rapid advances in science, technology and international commerce require continued attention when implementing Resolution 1540 (2004) at national, regional and international levels;

(i) Assistance mechanisms for the provision of advisory and technical support serve as a useful tool for States seeking assistance to implement their obligations under Resolution 1540 (2004). The participants recognized the useful role of the Trust Fund for Global and Regional Disarmament Activities in support of Resolution 1540 (2004);

(j) Implementing the Resolution and receiving assistance to that end offers multiple benefits for many governments, helping to prevent proliferation and terrorism as well as fulfilling fundamental security goals. Each country's implementation of Resolution 1540 (2004) will help to protect all countries from proliferators, serving to create a level playing field;

(k) Intensification of efforts were supported to develop and strengthen the cooperative interactions among States and building synergies among key stakeholders, including relevant international, regional, sub-regional, nongovernmental organizations and industry;

(l) The role of international, regional organizations in Resolution 1540 (2004) implementation efforts in line with their respective mandates was also acknowledged;

(m) It was noted that there was a need to combat illicit trafficking of WMD-related materials and in this regard to establish efficient national export and border controls;

(n) It was noted that drafting voluntary National Action Plans for the implementation of the Resolution could be helpful;

(o) The Comprehensive Nuclear Test Ban Treaty (CTBT) is currently the lowest hanging fruit in nuclear weapons disarmament. An in-force CTBT would not only help unlock progress in regions such as East Asia and in the broader NPT context, it would also bolster international efforts to prevent proliferation of nuclear weapons to non-State actors;

(p) Participating States/Customs administrations should take advantage of the WCO's Strategic Trade Control Enforcement (STCE) Programme and assist them in developing an organizational framework and technical skills to implement Resolution 1540 (2004);

(q) Participating States/Customs Administrations should actively participate in Operation Cosmo 2 and use this operation as a mechanism to promote countering proliferation activity within their administrations and identify capacity and capability gaps, which they can address;

(r) It was noted that in view of possible proliferation risks, emerging technologies such as 3D printing, drones, gene editing, nanotechnologies may require additional attention. However, it was reaffirmed that prevention of WMD proliferation and developments in science and technology should not hamper international cooperation for peaceful purposes;

(s) Awareness-raising and education are effective tools to decrease risks associated with life sciences research having 'dual use' characteristics.

Recommendations:

(a) To improve control over cross-border movements of materials that could contribute to WMD proliferation, without prejudice to the developments in science and technology for peaceful uses;

(b) To pay proper attention to fostering the CBRN security culture and strengthening and promoting awareness and responsibility among those dealing with CBRN materials who could be encouraged to additionally develop codes of conduct in their respective fields;

(c) To develop, implement and update the national legislation in the area of OP3 of Resolution 1540 (2004);

(d) Risks in biological area require additional attention due to the lack of a relevant institution that could assist States to counter effectively the possible use of such weapons;

(e) To intensify cooperation with states, international organizations, industry, civil society, scientific community and support efforts to promote a wide dissemination of effective Resolution 1540 implementation practices in order to facilitate national implementation efforts as well as international and regional cooperation in this area;

(f) To establish focal points on the implementation of Resolution 1540 (2004) by States and interested international and regional organizations;

(g) To encourage States to make further use of assistance mechanisms by submitting detailed assistance requests;

(h) To create synergies and enhance cooperation with international, regional and sub-regional organizations in addressing issues relating to implementation of Resolution 1540 (2004).